

1 Magistrate Judge James P. Donohue  
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UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERNEST WAGNER,

Defendant.

NO. MJ18-566

MOTION FOR DETENTION

The United States moves for pretrial detention of the Defendant, pursuant to 18 U.S.C. 3142(e) and (f)

1. **Eligibility of Case.** This case is eligible for a detention order because this case involves (check all that apply):

- Crime of violence (18 U.S.C. 3156).
- Crime of Terrorism (18 U.S.C. 2332b (g)(5)(B)) with a maximum sentence of ten years or more.
- Crime with a maximum sentence of life imprisonment or death.
- Drug offense with a maximum sentence of ten years or more.

- 1       Felony offense and defendant has two prior convictions in the four  
2      categories above, or two State convictions that would otherwise fall within  
3      these four categories if federal jurisdiction had existed.
  
- 4       Felony offense involving a minor victim other than a crime of violence.
  
- 5       Felony offense, other than a crime of violence, involving possession or use  
6      of a firearm, destructive device (as those terms are defined in 18 U.S.C.  
7      921), or any other dangerous weapon.
  
- 8       Felony offense other than a crime of violence that involves a failure to  
9      register as a Sex Offender (18 U.S.C. 2250).
  
- 10      Serious risk the defendant will flee.
  
- 11      Serious risk of obstruction of justice, including intimidation of a  
12      prospective witness or juror.

13     2. **Reason for Detention.** The Court should detain defendant because there  
14      are no conditions of release which will reasonably assure (check one or both):

- 15      Defendant's appearance as required.
  
- 16      Safety of any other person and the community.

17     3. **Rebuttable Presumption.** The United States will invoke the rebuttable  
18      presumption against defendant under 3142(e). The presumption applies because:

- 19      Probable cause to believe defendant committed offense within five years of  
20      release following conviction for a qualifying offense committed while on  
21      pretrial release.
  
- 22      Probable cause to believe defendant committed drug offense with a  
23      maximum sentence of ten years or more.
  
- 24      Probable cause to believe defendant committed a violation of one of the  
25      following offenses: 18 U.S.C. 924(c), 956 (conspiracy to murder or  
26      kidnap), 2332b (act of terrorism), 2332b(g)(5)(B) (crime of terrorism).

1       Probable cause to believe defendant committed an offense involving a  
2      victim under the age of 18 under 18 U.S.C. 1591, 2241, 2242, 2244(a)(1),  
3      2245, 2251, 2251A, 2252(a)(1) through 2252(a)(3), 2252A(a)(1) through  
4      2252A(a)(4), 2260, 2421, 2422, 2423 or 2425.

4      4. **Time for Detention Hearing.** The United States requests the Court  
5      conduct the detention hearing:

6       At the initial appearance  
7       After a continuance of \_\_\_\_ days (not more than 3)

9      DATED this 11<sup>th</sup> day of December, 2018.

11      Respectfully submitted,

13      ANNETTE L. HAYES  
14      United States Attorney

15        
16      MATTHEW P. HAMPTON  
17      Assistant United States Attorney